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554 me by Shaikh Hamud himself, and later vo ned for by the Shaikh
619 of Kuwait on 9th September, 1932.
622 Shaikh Jada'an al Suwait, who succeeded to the Shaikhship of the
628 Dhafir after the death of Hamud, was camped near Athaiba and
577 Ruhail on the Kuwait–Iraq border in 1931. Hearing that one of his own tribesmen had fired at and wounded a Mutairi tribesman who was his *qasir* at the time, even though the Mutair tribe and the Dhafir tribe were open enemies, Shaikh Jada'an had the offending tribesman brought before him, and with his own hand slashed him over the head with his sword.

The deed flashed through the Badawin world like lightning at the time, and Jada'an's name, as the upholder of Badawin hon our,
[682] became almost as famous as that of his forbear. Unfortunately the Iraq authorities, with that folly which has frequently characterised them in dealing with the high-spirited tribesmen of the desert, imprisoned Shaikh Jada'an for several weeks, before they saw that they were making a martyr of a desert hero. This act cost them his allegiance. Shortly after, Shaikh Jada'an went over to Bin Sa'ud, taking half the tribe with him.

Shaikh Jada'an told me the story himself, saying that he only acted as he did in order to keep the vital Badawin law clean and untarnished.

So greatly have the Dhafir tribe preserved and guarded their good name in the above respect, that it is said of Mana, another famous Shaikh of the Dhafir, that the immediate cause of his death was the news (which was brought to him as he was riding home from a raid), that a certain well-known guest of the tribe had, in his absence, been attacked and slain. Certain it is that on being told what had happened, his heart seemed to stop beating and he fell forward on to his camel's neck and rolled to the ground a dead man. His daughter, whom I met in 1935, told me that the old man had literally died of a broken heart, and her words were vouched for by her husband, Shaikh Hautush al Suwait, cousin of Jada'an.

621 I myself have only once been appealed to by a person who was
671 my *qasir*. I am glad to say that the results were eminently satisfactory.
577 It happened on this wise. I was in Kuwait, and it was in the hot month of July 1932, when everyone was sleeping on the roof at night. I was sleeping outside the old Agency dining-room, over the cook's quarters.

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Chap. VII

A Midnight Appeal

Next door and behind the Agency premises resided the divorced tribal wife of a well-known pearl merchant. She was a pure-bred tribal lady of the Wasil sept of the Mutair, and had been put away by her husband because he wanted to marry again. With the lady lived her daughter, a girl of about fifteen. The daughter was all the mother had in the world and was the pride and apple of her eye.

The roof on which I slept at night abutted on to the house of the lady in question, her roof was only some eight feet higher than mine and owing to its proximity to mine she herself never utilised her roof for sleeping.

Apparently, although I did not know it at the time, my neighbour's daughter had a male cousin who aspired to her hand. He had custom and the *Shari'a* law on his side, and asked to marry the girl. The mother had steadfastly refused, on the plea that she had only her daughter to work for her, and without her she would starve. After much pressure the mother had apparently agreed to let her daughter marry if sufficient money compensation was paid her for the years of trouble and expense which she had incurred in bringing her daughter up.

Actually she wanted sufficient money to enable her to live. The young man and his people refused her demands and complained to the shaikh. The latter decided that the young man was within his rights, and ordered the girl to be removed to some distant relative's house, whence after due ceremony and regard for convention she would be married. Four times the shaikh's *fidawiyah*, or guards, came round to the mother's house, and each time she refused them entry. The law did not permit them to enter forcibly, but they vowed that law or no law her position as a woman would not prevent them next time breaking open her door and forcibly abducting the girl.

It was then that the incident happened. I was asleep on my roof and the night was hot without moon. It was about twelve midnight when I awoke to hear my name called, "Ya Abu Sa'ud—Ya Abu Sa'ud," came the voice out of the darkness, "Wake up and listen". Wide-awake now, I realised that someone was addressing me in a low whisper from my neighbour's roof, only a few yards away. "What is it?" I said. "Who are you that startles me like this at dead of night?" "I am your *qasir*," replied the voice with a moan, "I am daughter of

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621 So-and-So, and I appeal to you to listen to me." Realising then who
● 671 was speaking to me over the wall, I learned her whole tale. At the
577 end she said, "Ya Abu Sa'ud, I am in the deepest distress, I entreat you to help, I, your *qasir*, your neighbour, your tent *jar*" (another word for neighbour). "What wouldst thou that I do for thee, my sister?" I replied. "Go to-morrow morning," she said, "and tell Shaikh Ahmad of my plight, and fight for me and my daughter, for verily if they take her away I shall die." To all my pleading that she was not under my jurisdiction, she merely replied, "I know nothing about that. All I know is that you are my neighbour and the law makes it incumbent on you to come to my assistance."

The end of it was that I promised to do as she asked, and on the next day I went and saw the Ruler, apologised for butting in where I was not concerned, but pointed out that my *qasir* had appealed in such and such manner to me, and that as I understood the importance of such an appeal, I in turn begged his intervention on her behalf. The shaikh was so struck with my tale, and so delighted that I pleaded with him for one of his Muslim subjects against his own decision, that he turned round and said very charmingly, "Colonel Dickson, this law of the *qasir* is a very sacred one for us Arabs; that you know and understand the depth of its meaning is patent to me, else you would never have acted as you have done. The girl is yours, give her back to her mother and say I, Ahmad, revoke my orders previously given. Even as you listened to the woman who appealed to you as *qasir*, so likewise I will listen to you and grant your request, to prove to you how deeply I feel you have been honoured by one of my country-women, and how deeply I also honour the law of *qusara*." I was much impressed by the shaikh's words, and it will be long before I forget his remarkable reply. His orders were duly passed on to my neighbour, and to this day the poor woman shows her gratitude in little kindnesses to my servants. I never again saw her to speak to.

SHÍMA

577 The Arab's idea of *shima* is much the same as our conception of honour, and I shall illustrate it only by the story given below.

Othman al Rashid of Buraida (an ex-horse-dealer of Kuwait) on

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THE CUSTOM OF 'ARAFA
OR
"RECOGNITION" OF ANIMALS BY THE OWNER

421 628 619 425 I. *The case of camels captured in a raid.*

Should two tribes *asta'araf* to one another (have made the special *'arafa* agreement between them), then one party may take from the other, camels once belonging to the former and now recovered from an enemy in raid, etc., by the latter.

Thus if a number of camels have been captured from the 'Ajman by the 'Awazim, and on some later occasion are recovered by the Mutair, the 'Ajman would have the right to take back their camels on application to the Mutair, without compensation, *provided the custom of* 'Arafa *existed between the 'Ajman and the Mutair.*

421 619 671 425 II. *The case of camels bought from one person by another and later recognised by a former owner as having been stolen from him.*

The case is settled in this wise. If the purchaser and the original owner are of the same tribe, or belong to two tribes with a "special agreement" by which their relations are those of *Bani 'Ám*, then the purchaser and the original owner, together with the animal in dispute, have to approach the seller and from him recover the purchase money. They give this to the man who has bought the camel, and the orignal owner takes back his property. For example, a man of Shammar recognises a stolen camel of his with a man of the Dhafir, and the latter states he purchased it from the Mutair. Should the Dhafir and Shammar have a *Bani 'Ám* arrangement between them, the men will both go and see the Mutairi. If the Mutairi had himself raided or stolen the camel from the Shammari, and the Mutair and the Shammar were at peace, he will return the purchase price to the Dhafiri, and the Shammari may then take the camel he claims. If the Mutairi has himself bought the camel from another, say an 'Ajmi, he will still pay back the price to the Dhafiri and will then go and claim his money from the 'Ajmi, and so on till they get back to the original thief. In other words, all intervening sales and purchases are step by step undone.

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This method of friendly recovery of a man's camel is known as the *Sauq wa Qaud* system, a sort of family arrangement for the recovery of animals by mutual consent and without quarrelling over the matter. This system has the advantage of keeping Government officials out of the business, which from the Badawin point of view is always desirable. It is commonly practised in areas where Government writ does not run, and where one tribe is paramount under a strong shaikh who can enforce his will (example, the southern desert area of Iraq in Turkish times).

The system is open to variation according to circumstances, also to special arrangements between tribes, etc. So-called desert law is rarely a hard-and-fast thing. Many are the arbitrators who vary it slightly, or try to arrange a compromise in difficult or protracted cases. In most cases, however, precedent has a great deal to do with settling difficult problems, and so we have the *Ahl al khibrah* or experts, versed in legal precedent and able to state how difficult cases were formerly settled. These wiseacres have much to do with the interpretation of desert law. Nevertheless the two main principles of *'arafa* remain fixed:

(*a*) A camel taken in war or retaken in war by a friend of the original owner is surrendered without compensation, if the custom of *'arafa* exists. There is no selling.

(*b*) No camel bought for money can possibly be taken back by the original owner without compensation, even if the original owner be of the same tribe as the purchaser. There is only one exception, namely, if the original owner can prove that the buyer when he purchased the animal *was aware that it had been stolen* from a man of a friendly tribe. Thus if the 'Awazim bought Diyahin raided camels from Ibn Shuqair the day after his raid on the Diyahin near Kuwait in 1928, the latter could recover their camels from the 'Awazim without compensation. In no other case can anyone retake a purchased animal and leave the purchaser a loser. All sales must be undone, back to the original theft.

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CHAPTER XLII

Crime

THE BLOOD FEUD

628 The subject of the blood feud is a big one, and is so well known among experts that I feel diffident in approaching it lest I be challenged by those having more knowledge of Qur'anic Law than I. I shall nevertheless endeavour, with apologies, to touch on this absorbing and interesting subject for the benefit of those of my readers who do not know the Arab or his customs.

628 671 Throughout Arabia, and especially among the Badawin of that great country, the Qur'anic Law of "an eye for an eye and a tooth for a tooth" is universally understood, and strictly enforced—with slight variations to suit local conditions.

In other words, if a man kill another *intentionally*, his own life is forfeit; if he wound or maim another he may be similarly wounded or maimed in return.

If on the other hand the offender can prove that he killed or wounded another person *unintentionally*, then he is allowed to compound the case by a money payment, fixed according to *'arf* or *islahat* custom, that is to say, by compensation mutually and satisfactorily arranged between both parties, through the medium of the local judge of the Shari'ah court, or the prince, ruler or shaikh as the case may be, such compensation being based on the figures mentioned in the next paragraph, though usually divided by three.

Should it so happen, however, that in a case of *intentional* killing, wounding or maiming, the aggrieved party or his relatives prefer to extract money compensation from the offender, they are permitted to do so under the Shari'ah Law, according to a scale strictly laid down.

An example of such scale is given below. It was given me by H.E. the Shaikh of Kuwait on 5th April, 1936, who in turn obtained it from the Chief Qazi of Kuwait, Al Shaikh Hamáda, as the basis on which to work out a scale of compensation to be paid by the local

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An Eye for an Eye

Oil Company to its workmen who might get *accidentally* killed or 628
hurt in the course of their work. The scale has been converted from 671
Rials into Rupees, this being the official currency of Kuwait.

(A) *Full compensation, or Rs.3000 in the following cases:*

Death.	Loss of both Hands.
Insanity.	Loss of both Feet.
Total Blindness.	Loss of an Eye of a one-eyed man.
Total Dumbness.	Loss of both Ears (entire).
Total Deafness.	Loss of Nose (entire).
Total loss of Voice.	Loss of Penis.
Total loss of Taste.	

(B) *Half compensation, or Rs.1500 in following cases:*

Loss of Hand.	Loss of one Eye.
Loss of Foot.	Loss of one Testicle.

(C) *Quarter compensation, or Rs.750 in following case:*
Partial loss of both Ears.

(D) *One-eighth compensation, or Rs.375 in following case:*
Entire loss of one Ear.

(E) *One-tenth compensation, or Rs.300 in following cases:*
Loss of Finger of single hand, or any toe of a single foot.

(F) *One-twentieth compensation, or Rs.150 in following case:*
Loss of each Tooth.

The "eye for an eye and tooth for a tooth" law, though universally understood and practised in Arabia, is slightly varied to suit local conditions and different localities.*

In tribal Iraq, for instance, the cost of an ordinary life to-day works out at Rs.800 or its equivalent in Dinars, while that of a Saiyid, or descendant of the Prophet, is valued at Rs.1100. But among the Badawin of Najd, Hasa and Kuwait the recognised blood money for a life is Rials 800, which at the 1936 rate of exchange works out at Rs.1200 approximately.

It will be noticed that this figure falls far short of the Shari'ah figures, and obviously has been agreed on to meet the impossibility

* Among the Mutair, for instance, compensation for a man killed consists of 800 dollars cash, 1 slave, 1 riding camel, 1 rifle.

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628 of a tribesman being able to collect the sum laid down by the Shari'ah
671 Law.

This money settlement for killing a person is known as *fasl* among the Iraq tribes, and is usually accompanied by the payment of a further sum of honour money or *hashm* if the act was a breach of tribal honour.

For example, in 1916, when I was rather stupidly ambushed and wounded near Suq ash Shuyukh on my way back from a local wedding, I had taken the precaution to have a *rafiq* or safe conduct with me in the person of my old friend, Shaikh Qasid al Nahi, of the Hacham tribe, and two others. I therefore was offered by the Shaikh of the tribe responsible for my safety (Shaikh Qasid) the special sums of Rs.500 plus Rs.400. The former being *fasl* for my spilt blood (no bones broken), and the latter *hashm* or honour money, seeing that I had been hurt whilst under the protection of a *rafiq* of the tribe which shot me.

In the desert this word *fasl* is scarcely known, nor is the word *hashm* understood in the above sense except by a few. Instead the term *'idiyah* or *diyah* is universally used. The meaning is the same as *fasl*, but the word is truer Arabic.

628 While in Iraq it is practically always possible to settle a murder
682 case by means of this *fasl* or blood-money system, such settlement is unusual in the desert and in Najd proper. It depends almost entirely on the wishes of the relatives of the person killed. In other words, if a man is killed in a private quarrel his parents, or if he has none, his nearest relatives, are asked if they will accept *'idiyah* or desire their *haq* or rights. If they agree to accept *'idiyah* well and good, if not then the slayer's life is forfeit, and it is the business of the ruler or shaikh of the tribes to see the death sentence carried out. In the great majority of cases the executioner is one of the nearest relatives of the man killed.

In carrying out the death sentence it is important that the act of retribution be carried out in exactly the same way and by exactly the same means as the dead man was in the first place done to death.

For example, if A was shot through the head by B, A's relatives must arrange to shoot B through the head and in no other place.
628 Or again, in the case of a wilful hurt not amounting to killing, if C
683 was cut over the head with a sword by D, C's relatives must inflict